

# FINAL BILL REPORT

## HB 1334

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Synopsis as Enacted

**Brief Description:** Authorizing civil judgments for assault.

**Sponsors:** Representatives Nealey, Hurst, Walsh, Johnson, Klippert, Haler, Rodne, Bailey, Short, Dammeier, Pearson, McCune, Warnick, Hinkle, Kelley, Orcutt, Chandler, Rivers, Ross, Schmick and Smith.

**House Committee on Public Safety & Emergency Preparedness**  
**Senate Committee on Human Services & Corrections**

### **Background:**

The Department of Corrections (DOC) provides inmate work programs through the Correctional Industries Board (Board). The Board develops and implements programs that offer inmates employment, work experience, and training, and that reduce the cost of housing inmates. To achieve these goals, the Board operates five classes of correctional industry work programs. All inmates working in class I - IV employment receive financial compensation for their work. Class V jobs are court ordered community work that is preformed for the benefit of the community without financial compensation.

Class I Industries. As of 2011, there are no class I Correctional Industry programs operating in the state. However, the statute requires that inmates working in class I ("free venture") industries be paid according to the prevailing wage for comparable work in that locality. There are two models for class I industries authorized under state law — an employer model and a customer model.

Employer model industries are operated and managed by for-profit or nonprofit organizations under contract with the DOC. They produce goods and services for sale to both the public and private sector. Customer model class I industries are operated and managed by the DOC to produce and provide Washington businesses with products or services produced only by out-of-state or foreign suppliers.

Inmates working in free venture industries do so by their own choice and are paid a wage comparable to the wage paid for work of a similar nature in the locality in which the industry is located (ranging from today's minimum wage of \$8.67 to \$14.76 per hour). The production of window blinds, metal fabrication, upholstery, concrete work, water-jet cutting,

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sewing, carabiners, and multi-packaging services are examples of jobs found in the class I industries work program. Security and custody services are supplied to the participating firm without charge.

Class II Industries. Class II ("tax reduction") industries are state-owned and operated industries designed to reduce the costs for goods and services for public agencies and nonprofit organizations. Industries in this class must be closely patterned after private sector industries but with the objective of reducing public support costs rather than making a profit. The products and services of this industry, including purchased products and services necessary for a complete product line, may only be sold to public agencies, nonprofit organizations, and to private contractors when the goods purchased will ultimately be used by a public agency or a nonprofit organization. However, to avoid waste or spoilage, by-products and surpluses of timber, agricultural, and animal husbandry enterprises may be sold at private sale or donated to non-profit organizations when there is no public sector market for such goods.

Inmates working in tax reduction industries do so by their own choice and are paid a gratuity which may not exceed the wage paid for work of a similar nature in the locality in which the industry is located. Class II gratuities range from 55 cents to \$1.55 per hour and includes such jobs as: producing aluminum signs, license plates and tabs, mattresses, asbestos abatement, meat processing, optical lab, engraving, furniture manufacturing, screen printing and embroidery, industrial sewing, and laundry. Security and custody services are provided without charge by the DOC.

Class III Industries. Class III ("Institutional Support") industries are solely operated by the DOC with the objective being to offset tax and other public support costs. Except for inmates who work in training programs, inmates in this class are paid a gratuity ranging between \$30 to \$55 per month. All supervision, management, and custody services are solely provided by the DOC.

Inmates working in class III industries provide maintenance and operation of the DOC's institutions. Ground keepers, barbers, dental assistants, truck drivers, fork-lift operators, mechanics, library aides, typists, and interpreters are examples of jobs found in the class III industries work program.

Class IV Industries. Class IV ("Community Work") industries are operated by the DOC and are designed to provide services in the inmate's resident community. Inmates working in class IV industries provide services at a reduced cost to other state agencies, to county and local government, to persons who are poor or infirm, and to nonprofit organizations. Local governments that hire inmates must provide supervision service without charge to the state and must pay the inmate a gratuity.

Janitorial services, grounds keeping, litter control, institutional kitchen support, special event seating set-up, wheelchair cleaning, tree planting, forest maintenance, and fire suppression are examples of jobs found in the class IV industries work program.

Inmate Wage Deductions. The DOC is required by statute to take certain mandatory deductions from the gross wages and gratuities of each inmate working in class I through class IV Correctional Industry programs.

For inmates working in class I industries (and others earning at least minimum wage), excluding child support payments, the DOC takes a minimum of 55 percent of the inmates' income. The 55 percent is divided into:

- 5 percent for crime victims' compensation;
- 10 percent for the inmate's savings account;
- 20 percent to the DOC for costs of incarceration; and
- 20 percent for any owed legal financial obligations (LFOs) which can also include restitution for the victim.

For inmates working in class II industries, the DOC takes 65 percent of the inmate's income. The 65 percent is divided as follows:

- 5 percent for crime victims' compensation;
- 10 percent for the inmate's savings account;
- 15 percent to the DOC for costs of incarceration;
- 15 percent for any child support owed; and
- 20 percent for any owed LFOs.

For inmates working in class III industries, the DOC takes 5 percent of the inmate's income for the purpose of crime victim's compensation and 15 percent for any child support owed under a support order.

For inmates working in class IV industries, the DOC takes 5 percent of the inmate's income to contribute to the cost of incarceration and 15 percent for any child support owed under a support order.

**Summary:**

The DOC must take an additional deduction from the wages and gratuities of an inmate for payment of a civil judgment for assault. A total of 20 percent must be deducted from the wages of an inmate employed in a class I Correctional Industry program and 15 percent from the gratuities of an inmate employed in a class II - IV Correctional Industries program.

"Civil judgment for assault" means a civil judgment for monetary damages awarded to a correctional officer or a DOC employee entered by a court of competent jurisdiction against an inmate that is based on, or arises from, injury to the correctional officer or the DOC employee caused by the inmate while the correctional officer or employee was acting in the course and scope of his or her employment.

**Votes on Final Passage:**

House	93	1	
Senate	49	0	(Senate amended)
House	97	0	(House concurred)

**Effective:** July 22, 2011